

Judge Franklin D. Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, ) NO. CR05-5828FDB  
Plaintiff, )  
v. ) REQUEST AND ORDER  
KEVIN TUBBS, ) FOR DISMISSAL  
Defendant. )

Comes now, the United States of America, by and through Jeffrey C. Sullivan, United States Attorney for the Western District of Washington, Mark N. Bartlett, First Assistant United States for said District, and Andrew C. Friedman, Assistant United States Attorney for said District, pursuant to Federal Rule of Criminal Procedure 48(a), and asks that the Court dismiss the charges brought in this case against Kevin Tubbs.

In addition to being charged in this case, Tubbs also was charged with conspiracy to commit arson and with a number of counts of arson in a related case in the District of Oregon. *United States v. Kevin Tubbs*, No. CR 06-60070-1-AA (D. Ore.). Tubbs pled guilty to charges in that case and was sentenced to 151 months' imprisonment. As part of the plea agreement in that case, the United States agreed to dismiss the charges against

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Tubbs in this case. As a result, the United States hereby moves to dismiss the charges against Tubbs.

DATED this 15th day of May, 2007.

Respectfully submitted,

JEFFREY C. SULLIVAN  
United States Attorney

s/Mark N. Bartlett  
MARK N. BARTLETT  
First Assistant United States Attorney

s/Andrew C. Friedman  
ANDREW C. FRIEDMAN  
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Leave of the Court is granted for the filing of the foregoing dismissal, and the charges against Kevin Tubbs in the Fourth Superseding Indictment are hereby DISMISSED.

DATED this                    day of November, 2007.

FRANKLIN D. BURGESS  
United States District Judge

## CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via U. S. States First Class Mail or via facsimile.

s/Elisa G. Jimenez  
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